IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9943 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MOHAN SINGH PAL - Petitioner(s)
Versus
O N G C LTD & 8 - Respondent(s)

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Appearance :
MR DIPEN C SHAH for Petitioner(s) : 1,
MR RAJNI H MEHTA for Respondent(s) : 1 - 2,6 - 9.
SERVED BY RPAD - (R) for Respondent(s) : 3 - 5.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 06/12/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has challenged the action of the respondents in not promoting the petitioner to the post of Chief

Engineer. It is reported that during the pendency of the present Special Civil Application pursuant to the order passed in 2003 petitioner has been promoted to the post of Chief Engineer with effect from 1.1.2001. However, it is the contention on behalf of the petitioner that he ought to have been promoted with effect from 1.1.1995 and the deemed date and seniority over other persons are to be changed accordingly. However, the learned counsel appearing on behalf of the petitioner has fairly conceded that as other persons likely to be affected by the aforesaid relief are not joined as party respondents and are not before this Court the petitioner will not be justified in asking for the said relief. Still he has submitted that non-consideration of the case of the petitioner with effect from 1.1.1995 cannot be construed to mean that the petitioner was not meritorious upto 1.1.2001. Without expressing any opinion on merits with regard to the same, the present

Special Civil Application is disposed of as having become infructuous. It is required to be stated that the petitioner has already got promotion to the post of Chief Engineer. Rule is discharged.

[M.R. Shah, J.]

rmr.